

REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested in view of the following remarks.

Summary of the Office Action

The drawings were objected to because there are two Figure 2s.

The specification is objected to due to minor informalities and for failing to provide proper antecedent basis for the claimed subject matter.

Claims 2-7, 9, 12 and 13 stand rejected under 37 USC 112, first paragraph, as based on a disclosure which is not enabling.

Claim 17 stands rejected 37 USC 112, first paragraph, as failing to comply with the written description requirement

Claims 1, 14, 15, 17, and 18 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 5, 8, 10, 11, 14, and 17 of copending application No. 10/564,406.

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by McKeag et al. (US 2,297,108).

Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Barry (US 3,505,240).

Claims 1, 14, 15 and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava et al. (US 6,621,211).

Claims 1-15, 17, and 18 stand rejected 35 U.S.C. 103(a) as being unpatentable over Menkara et al. (US 6,982,045).

Claims 14-16 and 18 stand rejected 35 U.S.C. 103(a) as being unpatentable over Stockman, Setlur et al., and Srivastava et al. (US 6,956,247, 7,026,775 or 7,088,0368).

Summary of the Response to the Office Action

Applicants have cancel claims 1-13 and 15 without prejudice or disclaimer, and amend claim 14 and 17, to overcome the rejections. Also, a Submission of Replacement Drawing Sheets is filed concurrently herewith to replace the previously-filed drawing sheets. Moreover, Applicants herein submit the attached Terminal Disclaimer to overcome the provisional obviousness-type double patenting rejection. According, claims 14 and 16-18 remain pending in this application for further consideration.

Objection to the Drawings

The drawings are objected to because of “there are two figure 2s”. Applicants respectfully submit that the objection to the drawings is improper, because Applicants filed all of the three figures on April 21, 2005. Nonetheless, Applicants respectfully submit herewith a Submission of Replacement Drawings including three (3) sheets of drawings containing three (3) formal drawings to be substituted for the previously filed drawings in the above-identified application. Accordingly, Applicants respectfully request that the objection to the drawings be withdrawn.

Objections to the Specification

The disclosure is objected to because of informalities. Applicants have amended the specification and canceled claims 1-13 and 15 to address the Examiner’s concerns. Accordingly, Applicants respectfully request the objections to the specification be withdrawn.

Rejection under 35 U.S.C. §112, first paragraph

Claims 2-7, 9, 12 and 13 stand rejected under 37 USC 112, first paragraph, as based on a disclosure which is not enabling, and claim 17 stands rejected 37 USC 112, first paragraph, as failing to comply with the written description requirement. Since claims 1-13 have been canceled without prejudice or disclaimer, and claim 17 has been amended in accordance with the Examiner's comments set forth in the Office Action, Applicants respectfully submit that the rejection of claims 2-7, 9, 12 and 13 becomes moot and the rejection of claim 17 is traversed. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. §112, first paragraph, be withdrawn.

The Rejections under Double Patenting

Claims 1, 14, 15, 17, and 18 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 5, 8, 10, 11, 14, and 17 of copending application No. 10/564,406. Applicants submit concurrently herewith a Terminal Disclaimer. Accordingly, Applicants respectfully request the rejection of claims 1, 14, 15, 17, and 18 under the judicially created doctrine of obviousness-type double patenting be withdrawn.

All Claims Define Allowable Subject Matter

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by McKeag et al. Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Barry. Claims 1, 14, 15 and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava et al. Claims 1-15, 17, and 18 stand rejected 35 U.S.C. 103(a) as being unpatentable over Menkara et al. Claims 14-16 and 18 stand rejected 35 U.S.C. 103(a) as being unpatentable over Stockman, Setlur et al., and Srivastava et al. To the extent that the rejections might be

applied against the claims as newly-amended, they are respectfully traversed as being based on a reference or a combination of references that neither teaches nor suggests the novel combination of features recited in the claims.

Since claims 1-13 and 15 have been canceled without prejudice or disclaimer, Applicants respectfully submit that the rejections thereof become moot.

With respect to independent claim 14, as newly-amended, Applicants respectfully submit that the applied references, whether taken individually or in combination, do not teach or suggest the claimed combination including at least a feature of "the strontium silicate-based phosphor comprises a first phosphor emitting the light having a wavelength band of 450-480nm and a second phosphor emitting the light having a wavelength band of 540-580nm."

To emit a white light by a long wavelength UV LED as an example of white LEDs, the UV LED needs having a blue phosphor emitting a blue light (450-480nm) and a yellow phosphor emitting a yellow light (540-580nm). In the present invention, the white LED chip includes a blue phosphor and a yellow phosphor expressed by the Chemical formula 1. Although the first phosphor and second phosphor are not mentioned in the description, it is apparent that those of ordinary skill in the art can deduce the amended portion from the description.

As pointed out in MPEP § 2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Accordingly, for at least the reasons set forth above, Applicants respectfully request that the rejection of independent claim 14 under 35 U.S.C. § 103(a) be withdrawn because the applied references, whether taken individually or in combination, fail to teach or suggest each and every feature of newly-amended independent claim 14. Further, the rejections of claims 16-18 should also be

withdrawn at least because of their dependencies upon independent claim 14 and for the reasons as those set forth above.

With no other rejection pending, Applicants respectfully submit that claims 14 and 16-18 are in condition for allowance.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of

time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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